

Serial No. 09/684,706

PATENT
Docket No. 78700.020108**REMARKS**

In this response, claim 36 has been amended, and new independent claims 84 and 85 have been added. Thus, independent claims 1, 63, 80, 83, 84, and 85 (and dependent claims 2-62, 64-79, 81, and 82) are now pending in this application. The Office Action issued by the Examiner has been carefully considered.

Claims 1-83 have been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-41 of U.S. Patent No. 6,735,630 (Gelvin et al.).

The Examiner has stated that it would be obviously inferred from the scope of claim 1 in Gelvin et al. that the client computer remotely controls the node. However, Applicant believes that a proper obviousness-type double patenting rejection here requires at least some reference to a prior art document in support of the Examiner's position.

Claims 1-83 have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-51 of co-pending Application No. 09/684,742.

The Examiner has stated that the instant application (no. 09/684,706) "recites further limitations that the node resource information includes node resource cost and message priority." The Examiner has asserted that it is "well known that the node resource information disclosed in the '742 application can be broadly construed to include 'node resource cost and message priority' and therefore would inherently include these limitations in these claims." However, Applicant believes that a proper obviousness-type double patenting rejection here requires a reference to a prior art document to support the Examiner's assertion that the disclosed node resource information is well known in this manner.

Claim 36 has been rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Claim 36 has been amended above to remove the antecedent reference indicated by the word "the". This amendment merely corrects a prior typographical error and is not intended to be a narrowing amendment.

Claims 1-3, 11-12, 14, 16, 18, 21, 28-29, 32, 33, 36, 42-44, 46-47, 50-53, 56-61, and 80-83 have been rejected under 35 U.S.C. 102(e) as being anticipated by Clare et al. (USPN 6,414,955) (hereinafter Clare).

An anticipation rejection requires that every element of a claim be identically disclosed in a single reference. Applicant's independent claim 1 recites "data processing is distributed through the sensor network in response to the node information." With reference to this recitation, the Examiner has cited Clare at col. 18, lines 35-64, which discusses the architecture for an individual node.

More specifically, Clare here describes that local environmental conditions are sensed by a sensor and that the data from the sensors is stored for processing in a buffer memory (see FIG. 15 of Clare). Clare also teaches that a DSP 18 analyzes the stored data and microprocessor 20 makes decisions based upon information from the DSP 18, and that microprocessor 20 can perform additional analysis of the data. However, the Examiner has not demonstrated how the foregoing analysis teaches or even suggests that data processing is distributed.

The section cited by the Examiner above merely describes that the microprocessor 20 can be programmed to control and schedule communications with other nodes, but the Examiner has not shown how controlling or scheduling communications teaches or suggests that data processing is distributed through the sensor network. This controlling or scheduling as described in this cited section does not even mention the data sensed by the sensor.

Further, Applicant's claim 1 recites that the data processing is distributed in response to node information. With reference to the first recitation in claim 1 of node information, the Examiner has cited Clare at col. 15, lines 10-24 and 43-56. Here, Clare describes the learning and set-up of a network in which an inviting node invites a new node to join the network. The Examiner has not presented any argument as to how any data processing on an individual node as discussed at col. 15 of Clare acts in response to any set-up information associated with new

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nodes joining the network (i.e., acting in response to information that the Examiner has alleged to be an example of node information). Moreover, the Examiner has not presented any argument as to how any distribution of data processing might occur in response to such node information. Accordingly, Applicant believes that this anticipation rejection of claim 1 should be withdrawn for at least the above reasons.

The Examiner has stated that Applicant's independent claims 80 and 83 have been rejected "for similar reasons as stated above."

Applicant's independent claim 80 recites "wherein the at least one node provides node information including node resource cost and message priority to the plurality of network elements in response to at least one parameter of a signal received from the at least one environment". Applicant submits that the Examiner has failed to present a proper prima facie case of anticipation in that the foregoing words are not found in this identical manner in any other of Applicant's pending claims. Thus, the basis that the Examiner is using for making this rejection of claim 80 is not clearly presented, if any basis is even presented at all given the foregoing situation. As this is an anticipation rejection, any obviousness arguments that may be relied upon by the Examiner would be considered improper here (and such arguments would still nonetheless need to be clearly stated in an obviousness rejection).

Applicant's independent claim 83 recites "collecting data from the environment" and "distributing processing of the collected data among the plurality of network elements in response to the node information." As was discussed above with respect to Applicant's independent claim 1, Applicant does not believe that the Examiner has made a prima facie case of anticipation in that no arguments have been presented to show distributing processing in response to node information, as taught in a single prior art reference.

Claims 30, 45 and 55 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Clare in view of Official Notice.

Claims 30, 45, and 55 all depend, directly or indirectly, from Applicant's independent claim 1 and are believed allowable for at least the reasons discussed above with respect to claim

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1. Applicant notes that the Examiner has taken several Official Notices in making this rejection. Applicant reserves the later right to challenge these takings of Official Notice, but Applicant believes such challenge is moot at this time in light of the foregoing argument.

Claims 4-10, 13, 17, 19, 25, 38-41, 48-49, and 62-79 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Clare in view of Myer et al. (USPN 6,615,088) (hereinafter Myer).

Applicant's independent claim 63 recites "the at least one node is programmable via internetworking among the plurality of network elements." The Examiner has stated that claim 63 recites limitations previously discussed and "further discussed in view of the other art below." However, the word "programmable" is not present in any other of Applicant's pending claims. A proper prima facie case of obviousness for claim 63 would at a minimum require that the Examiner show the applicability of the Examiner's other arguments to this term.

Applicant's dependent claim 17 recites that "a plurality of levels of synchronization are supported among different subsets of the plurality of network elements". The Examiner has stated Clare does not disclose the foregoing.

The Examiner cites Myer as showing polling of appliances in order to obtain the status of the device (col. 3, lines 15-22). However, this cited section does not at all teach or even suggest a plurality of levels of synchronization among different subsets. To supplement the absent teachings of Myer, the Examiner has made an assertion of an allegedly well known rationale regarding polling periods. However, as is Applicant's right under the MPEP, Applicant respectfully requests that the Examiner provide a citation to a prior art document in support of this assertion in order to make a proper prima facie case of obviousness of claim 17.

Applicant's dependent claim 19 recites that "data is transferred using message packets, wherein the message packets are aggregated into compact forms in the at least one node using message aggregation protocols, wherein the message aggregation protocols are adaptive to at least one feature selected from a group consisting of data type, node density, message priority,

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and available energy." The Examiner has stated that Clare does not specifically disclose aggregating data processed in a plurality of nodes for further processing by other nodes.

The Examiner has further cited Myer as disclosing polling of devices to monitor the devices status. The Examiner has stated that it would be obvious to combine the teaching of Myer with Clare to facilitate device configuration in a network as supported by Myer. However, the Examiner has not made any argument as to how this relates to data transfer using message packets, wherein the message packets are aggregated.

The Examiner has already stated that Clare does not disclose aggregating data. Myer is a system for device interface configuration (col. 1, lines 26-30), as cited by the Examiner. The other section of Myer (col. 3, lines 15-25) cited by the Examiner discusses polling of devices, as just mentioned above. The Examiner has not presented any argument as to how the polling of devices and device interface configuration described by Myer teach or suggest that message packets are aggregated. Therefore, this rejection of claim 19 should be withdrawn.

Claims 4-10, 13, 25, 38-41, 48-49, 62, and 64-79 all depend, directly or indirectly, from Applicant's independent claims 1 and 63 and are believed allowable for at least the reasons discussed above with respect to these claims. Applicant notes that the Examiner has taken Official Notice in making this rejection. Applicant reserves the later right to challenge this taking of Official Notice, but Applicant believes such challenge is moot at this time in light of the foregoing argument.

Claims 15 and 54 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Clare in view of Davis et al. (USPN 5,742,829) (hereinafter Davis).

Claims 15 and 54 depend, directly or indirectly, from Applicant's independent claim 1 and are believed allowable for at least the reasons discussed above with respect to claim 1.

Claims 19, 20, and 31 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Clare in view of Makansi et al. (US 2002/0154631) (hereinafter Makansi).

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Claims 19, 20, and 31 all depend, directly or indirectly, from Applicant's independent claim 1 and are believed allowable for at least the reasons discussed above with respect to claim 1.

As also discussed above, Applicant's dependent claim 19 recites that "data is transferred using message packets, wherein the message packets are aggregated into compact forms in the at least one node using message aggregation protocols, wherein the message aggregation protocols are adaptive to at least one feature selected from a group consisting of data type, node density, message priority, and available energy." Applicant here repeats the arguments made above with respect to claim 19.

The Examiner has in this rejection now introduced Makansi as teaching decoy packets. However, Applicant's claim 19 does not recite the word "decoy ". Therefore, Applicant does not believe that Makansi provides the support necessary for the Examiner to make a prima facie case of obviousness. Accordingly, this rejection of claim 19 should be withdrawn.

Claims 9, 22-24, 27 and 37 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Clare in view of Humpleman et al. (USPN 6,546,419) (hereinafter Humpleman).

Claims 9, 22-24, 27 and 37 all depend, directly or indirectly, from Applicant's independent claim 1 and are believed allowable for at least the reasons discussed above with respect to claim 1.

It is noted that those of Applicant's other dependent claims not specifically discussed above depend, directly or indirectly, from independent claims 1, 63, 80 and 83 and are believed to be allowable for at least the reasons discussed above with respect to these independent claims.

Applicant has added new independent claims 84 and 85.

Applicant's new independent claim 84 recites "wherein a plurality of levels of synchronization are supported among different subsets of the plurality of network elements".

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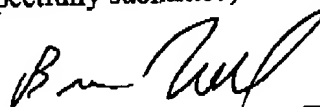
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Claim 84 is believed allowable for similar reasons as discussed above with respect to Applicant's dependent claim 17, which recites a plurality of levels of synchronization.

Applicant's new independent claim 85 recites "wherein data is transferred using message packets, wherein the message packets are aggregated into compact forms in the at least one node using message aggregation protocols, and wherein the message aggregation protocols are adaptive to at least one feature selected from a group consisting of data type, node density, message priority, and available energy". Claim 85 is believed allowable for similar reasons as discussed above with respect to Applicant's dependent claim 19, which recites data transfer using message packets.

In view of the above, Applicant respectfully requests the reconsideration of this application and the allowance of all pending claims. It is respectfully submitted that the Examiner's rejections have been successfully traversed and that the application is now in order for allowance. Applicant believes that the Examiner's other arguments not discussed above are moot in light of the above arguments, but reserves the later right to address these arguments. Accordingly, reconsideration of the application and allowance thereof is courteously solicited.

Respectfully submitted,



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